Practical reason is the only way to generate moral obligations –

**A**. **Bindingness** – moral requirements must be absolutely necessary. An *a posteriori* method doesn’t track truth – anything empirical *could have been otherwise*. The empirical world is always subject to change so were morality to be determined purely by empirical terms then we could never have a non-optional obligation to do something

**B.** **Action Theory**: To attach value to any identity means you must value yourself as someone who needs reasons to act and live. You can shed every identity except your human identity; we can shed conflicting impulses by choosing not to take them as reasons, but you cannot have reason to reject the value of the source of your moral reasons. Also means no aggregation - all good is good for someone, but there’s no one for WHOM maximization is good.

**C.** **Phenomenal Determinism**: causal chains are unbroken per physics, so were ethics determined in the material world they would fail because any moral theory presupposes an agent with a freedom to choose, not subject to causal determination.

Any valid practical judgment must be true of every practical agent and forevery agent since the only relevant feature is reason and not contingent circumstance. Rational agents cannot act on a maxim that hinders the outer freedom of others’ – that’s non-universalizable since it wills both an increase and decrease in agent’s freedom.

#### The standard is respecting freedom. Prefer:

#### 1. Performativity – freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, denying self-ownership in the round automatically implies the truth of the aff framework. Ostrowski on Hoppe

James, , A SYMPOSIUM ON DRUG DECRIMINALIZATION: THE MORAL AND PRACTICAL CASE FOR DRUG LEGALIZATION. SPRING, 1990 18 Hofstra L. Rev. 607

"[A]rgumentation is a conflict-free way of interacting ... a mutual recognition of each person's exclusive control over his own body must be presupposed as long as there is argumentation." 112 Hoppe summarizes the complete argument as follows: Whenever a person claims that some statement can be justified, [s]he at least implicitly assumes the following norm to be justified: "Nobody has the right to uninvitedly aggress against the body of any other person and thus delimit or restrict anyone's control over [her] his own body." This rule is implied in the concept of justification as argumentative justification. Justifying means justifying without having to rely on coercion. In fact, if one formulates the opposite of this rule, i.e., "everybody has the right to uninvitedly aggress against other people" . . . then it is easy to see that this rule is not, and never could be, defended in argumentation. To do so would in fact have to presuppose the validity of precisely its opposite, i.e., the aforementioned principle of non-aggression.

Performativity precludes other justifications: we may think that other arguments are true but only performative ones are confirmed in round.

2.The framework is a prerequisite to all ends based theories: Actions are unified by the structure of the will from their end to their means. It creates a cohesive whole instead of fragmented steps and explains why the agent is engaged in the subsidiary actions. **Callard**[[1]](#footnote-1)

If this is right, it sheds light on something crucially un-Aristotelian about Neo- Aristotelianism. Intentional actions often have something like the following structure: the agent X-es in order to Y, and his reason for Y-ing is that it contributes to or makes possible another desirable action, Z. On such an occasion, when asked what he is doing, the agent can often truthfully answer “I am X-ing” or “I am Y-ing” or “I am Z-ing.” For instance, to take up an example of Michael Thompson’s, if he is cracking some eggs in order to make and omelet, and he is doing that to make breakfast, he can answer “I am cracking eggs” or “I am making an omelet” or “I am making breakfast.” [REF] It is hard to deny that something like this is usually going on when we act—though perhaps there are simple or basic actions for which another story must be told. So let’s call my story, ‘the story of nonbasic intentional action.’

1. Proves the aff framework is true because the ability to will ends is unified by action which makes freedom a necessary constraint. **B.** Proves consequentialism impossible: It can’t provide the necessary ground for doing an action B since it isn’t *the same premise* throughout time but different ones that happen to be the same. It can’t justify unifying subsidiary action.

3. Process of communication presupposes that the other has some shared ability to communicate or some universal ability to reason so my framework is constitutive of any communicative activity at all. We presuppose the universality of reason in the process of justification.

4. morality must be grounded in a priori facts since theoretical ones are determined – you cannot command someone to hold a desire or fall in love, but only to act from moral duty. Since the structure of reason exists independent of empirical circumstances, maxims must be universal since a reason for a rational agent is a reason for every rational agent

**First,** restricting free speech prevents the university from representing the views of the omnilateral will. **Suprenant 15** Chris W. “Kant on the Virtues of a Free Society” April 7th 2015

The second point is a bit less straightforward. His claim is that **a sovereign that outlaws free speech** creates a condition where his actions **“put him in contradiction with himself.”** This language is remarkably similar to what he uses in his moral theory to describe principles that violate the categorical imperative, Kant’s supreme principle of morality. In the *Groundwork*, Kant claims that when a principle of action fails when tested against the categorical imperative, it fails because something about that principle is contradictory. It may be the case that it is not possible to conceive of the action that comes about as a result of universalizing the underlying principle connected to the action (i.e., a contradiction in conception), or the result of universalizing the principle is self-defeating in some way (i.e., a contradiction in the will). In the case of the sovereign restricting freedom of the press, the contradiction appears to be more practical. Elsewhere Kant argues **what justifies sovereign authority is that his actions are supposed to represent the united will of the people** (MM 6:313). **But a sovereign that denies free speech and otherwise undermines the conditions necessary to maintain a free society has made it impossible to gather the information needed to represent the will of the people appropriately.** In this way, Kant sees **any attempt** by the sovereign **to limit** or otherwise suppress the **free exchange of ideas**, and, in particular, the exchange of ideas among the educated members of society (e.g., academics), as **undermining his own authority.**

Outweighs because it indicates the only thing that gives the government the inherent right to make and enforce laws is the people’s expression so the aff is conceptually impossible.

**Second, the omnilateral will is united by law, which is a limit on state authority. This outweighs: if they win every argument it just proves the constitution is defective, not that the state can ignore it.**

Arthur, **Ripstein** "Force and Freedom: Kant's Legal and Political Philosophy." (2009).

Kant’s third argument turns on the more general idea that **a system of rights is only possible through an omnilateral will, and** the **further** claim that **an omnilateral will is only possible through institutions.** In the “General Remark” to Public Right, Kant summarizes the point by saying **“a rightful condition is possible only by submission to its general legislative will,”**22 reiterating the claim we saw in Chapter 7 that **a people differs from a multitude only by being united under laws. Any claim to act outside of the constitution cannot be a claim to act on the part of the people, and must instead be merely a unilateral claim, and so not a claim of right.** The “legalistic” argument said that there was no juridical mechanism through which the people could reserve to itself the right of sedition or rebellion; this further argument says that **there is no people except as represented by law.** The first argument suggested that revolution could not be made legal (and, because of Kant’s account of legality, could not be made moral); this argument aims to show that the right to revolution is impossible. The only way to understand the revolutionary’s claim is as the right to plunge everyone into a state of nature for his or her own private purpose, because the revolutionary cannot coherently talk about acting for the people. **The juridical nature** of Kant’s argument **leads to an exceptionless formulation:** there can be no right to revolution. The same juridical nature leads to an inherent limitation on its scope. It applies only to a rightful condition. Anything satisfying the postulate of public right’s requirement to “enter a condition in which each may be rendered what is his” counts as a rightful condition, and so in one sense there can never be a right of revolution against a state. Thus **the fact that the state commits some injustice is something that citizens must simply “put up with.”**

It’s a question of permissible means: if someone ought to donate money to a starving person, that doesn’t mean you’re entitled to steal from them to give it to charity.

**Third,** Speech and language is not intrinsically violent: **A.** the only possible issues with it come with its implementation, which means that it is not harmful in itself. An argument only has an impact insofar as the conseuquence of the speech is a particular reaction, which means its not a priori good or bad so cant link to the framework. **B.** if the intention of the speech is the thing that is bad, then restricting the instantiation of the speech isn’t directly getting rid of the freedom violation.

**Fourth,** Freedom of speech is a necessary freedom: governments cannot put any restrictions on it no matter what the content of the speech is. Lambert 16(Saber, writer @ being libertarian, “The Degradation of Free Speech and Personal Liberty,” April 9, 2016, https://beinglibertarian.com/the-degradation-of-free-speech-and-personal-liberty///[LADI](http://www.theladi.org/evidence))

**Many** individuals in society claim that they live in a free nation full of individual liberties**.** North American constitutions **such as the ones implemented in the United States and Canada** allow for freedom of speech**. However,** it is evident that the government has implemented **and enforced** policies to the contrary**. There are a plethora** of entertainment programs that have strict **censorship policies** that **go against freedom** of speech as it disallows, for example, television producers and musicians to use words or phrases that may be offensive directly or indirectly to a person or group. Regardless, if it is possibly offensive to one or many, the U.S. and Canadian constitutions allow for individuals to say very controversial things. However, restricting one’s freedom of speech **in the form of censorship** greatly impacts the exchange of ideas that are said to contribute to the (possibly) improvement of society. **It is not up to the government to decide what individuals choose to say**, read, or hear, and it should not be up to the government to decide what is acceptable within society. The Federal Communications Commission (FCC) in the United States controls all forms of television broadcasting and claims “it is a violation of federal law to air obscene programming at any time. It is also a violation of federal law to air indecent programming or profane language during certain hours.” It is quite clear that censorship by institutional power is a way to control a society **i**n the sense that it determines what individuals in society can legally say, hear, or read. It is against the majoritarian virtues **and values** that are constitutionally instilled within a society, and i**s often paralleled to a form of dictatorship – no matter how miniscule**.

#### This outweighs because hindering a hindrance is not permissible: A. They say in a state of nature, you don’t know if others will respect your freedom. But this just means there’s a risk others will violate your freedom. This is not itself a violation of freedom. B. Even if both parties must accept the authority of a third party with power over both of them, since even if people were perfectly nice and good, the state of nature would still violate freedom because it lacks a structural guarantee. But for this very reason, they fail to end the state of nature. There’s still no third party with authority over both the citizens and the government.

### Impact Calculus

#### If the neg proves a violation of freedom, the aff still comes first. Regardless of whether you affirm or negate, there’s a violation of freedom but there’s still a risk that the aff solves something by taking an action – there’s a 0% chance that the status quo solves since it doesn’t take action. Even a 1% probability should outweigh the risk of violation of a negative violation.

1. Consequences are not relevant: A. problem of induction—induction is logically circular because the only basis I have for believing that the past will replicate itself is that that is what has happened in the past but that presupposes the validity of induction B. freedom isn’t aggregable freedom is a property—two circles are not more circular the one A. to account for all foreseen impacts would paralyze action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will. C. Foreseen harms aren’t intrinsic so I should be allowed to delink them – forces actual clash and prevents huge research burdens. Those harms aren’t attributable to either affirming or negating and can be solved extra-resolutionally, so aren’t either of our ground.

**Underview 1 is Substance**

**First, speech codes are clear policy failures – they don’t decrease bigotry, but they’re used against those they’re seeing to help.**

Conor **Friedersdorf 15**, 12-10-2015, "The Lessons of Bygone Free-Speech Fights," Atlantic, http://www.theatlantic.com/politics/archive/2015/12/what-student-activists-can-learn-from-bygone-free-speech-fights/419178/

He was writing after the University of **Michigan**, the University of **Wisconsin**, **and Stanford implemented speech codes targeted at racist and sexist speech.** These were efforts to respond to increasing diversity on campuses, where a number of students spewed racist and sexist speech that most everyone in this room would condemn. But **those** speech codes **were policy failures. There is no evidence that hate speech or bigotry decreased on any campus that adopted them. At Michigan**, the speech code was analyzed by Marcia Pally, a professor of multicultural studies, who found that “**black students were accused of racist speech in almost 20 cases. Students were punished only twice** under the code’s anti-racist provisions, **both times for speech by or on behalf of blacks.**”

**Second, retargeting – people with the ideologies you want to censor are still out there and use the censorship apparatus against you to advance their aims and suppress your speech.**

Bart **Cammaerts 9**, London School of Economics and Political Science, England, 11-2009, "Radical pluralism and free speech in online public spaces," International Journal of Cultural Studies, http://eprints.lse.ac.uk/27895/1/Radical\_pluralism\_and\_free\_speech\_in\_online\_public\_spaces\_(LSERO).pdf

Internet filtering and monitoring remain technical and policy options when it comes to combating hate speech on the internet. However, active **censorship** in a democracy **tends to backfire**s in several ways. In relation to this case study, it could be argued that democracy might lose out in two ways. **First, anti-democratic forces are able to construct democratic parties and institutions as ‘undemocratic’** on a continuous basic, claiming that they suppress ‘the true thoughts of the people’, **using** in effect **the formal rules of democracy to destroy democratic culture** arguing for a democratic right to be a racist. **Second, how to guarantee that once a regime of content control** online **is in place, it will not be used to silence other voices that at some future moment in time are considered** to be **undesirable by a majority?** And do we really want content on the internet controlled, monitored and filtered on a permanent basis? This is, however, by no means a plea for complacency and/or ignorance, but to carefully think through the implications of intervention to exclude voices from public spaces of communication and interaction all together. Efforts to combat the incitement of hatred through democratic and legal ways should be encouraged, ‘in order to to secure a minimum of civility’ (Rosenfeld, 2001: 63). Exposure in the mainstream media of those that produce such discourses and formal legal complaints by racism watchdogs are important and fairly effective tools for achieving that (except when anonymity is invoked). The embracement of censorship of online content by democratic societies in addition to this, would not only represent crossing the rubicon, but also focuses merely on removing some of the symptoms of racism, not the root causes of it.

Third, **backlash – the attempt to close political space is always imperfect and engenders resistance – censoring speech doesn’t change minds but redirects them – that threatens institutions and leaves supporters less prepared to defend their gains. Resistance to abortion proves.**

Bonnie **Honig 93**, Nancy Duke Lewis Professor in the departments of Modern Culture and Media (MCM) and Political Science at Brown, 4-15-1993, "Political Theory And The Displacement Of Politics," Cornell University Press.

**The perpetuity of contest is not easy to celebrate. My** own **afﬁrmation** of it **is animated**, not by the benighted teleological belief that politically active lives are necessarily fuller or more meaningful than their alternatives, but **by my conviction that the displacement of politics** with law or administration **engenders remainders that could disempower and perhaps even undermine democratic institutions and citizens.** The US. Supreme Court’s recent decision in Planned Parenthood of Southeastern Pennsylvania v. Carey supplied compelling new justiﬁcations for a woman's right to control her sexuality and reproductive freedom, but it also endorsed new restrictions on that right. **When a woman’s right to choose was ﬁrst recognized in** 1973 by a very different Court in **Roe v. Wade, many** citizens **celebrated the** Court‘s **decision as the end of a battle. Those opposed** to the decision, **however, vowed to roll back Roe v. Wade and. nineteen years later, they** have **had great success.**6 **The battle is being refought** in the Court and in the state houses. **Those who thought it was won in 1973 were surprised** by this sequence of events. **Many assumed that, once juridically recognized, the right** to abort a pregnancy **would never be returned to** the space of **political contest. In the past two decades they went on to ﬁght other battles, doing relatively little to mobilize citizens and communities to protect and stabilize this new right, leaving pro-life organizations relatively free to repoliticize and redeﬁne the issues.** In response to the juridical settlement of a woman's right to choose, pro-lifers focused on the fetus and the family and on the relations of obligation and responsibility that tie women to them. Soon abortion became known as baby killing. pro-choice became antifamily, and pregnant single women became icons of danger whose wanton, (literally) unregulated sexuality threatens the safety and the identity of the American family. These identities and identiﬁcations are not stable. But in the absence of resistance to them, they could be stabilized. That realization has energized pro-choice citizens into action in the last few years. and the sites of the battle are proliferating. ¶ These observations are by no means meant to imply that it would be better not to entrench a woman's right to terminate a pregnancy—that is a different debate, one that turns on considerations of political strategy and equal justice. My point is that **there is a lesson to be learned from the experience of those who misread Roe** as the end of a battle **and later found themselves ill equipped and unprepared** to stabilize and secure their still unstable rights **when they were repoliticized and contested by their opponents. In their mistaken belief that the agon had been successfully shut down** by law, **pro-choice citizens** ceded the agon to their opponents and **found**, years later, **that the terms of the contest had shifted against them. Disempowered by their belief that the law had settled the issue without remainder, they failed to engage the concerns of moderate citizens who harbored doubts about the morality of abortion, leaving them and their doubts to be mobilized and radicalized by those who had no doubts about the practice‘s immorality and who were determined to see it outlawed again.**7 ¶ **To afﬁrm the perpetuity of contest is** not to celebrate a world without points of stabilization; it is **to afﬁrm** the **reality** of perpetual contest. even within an ordered setting, and to identify the afﬁrmative dimensions of contestation. It is to see that **the always imperfect closure of political space tends to engender remainders and** that, **if** those remainders are **not engaged, they may return to haunt and destabilize the very closures that deny their existence.** It is to treat rights and law as a part of political contest rather than as the instruments of its closure It is to see that attempts to shut down the agon perpetually fail, that the best (or worst) they do is to displace politics onto other sites and topics, where the struggle of identity and difference, resistance and closure, is then repeated.8 These are the platforms of a virtu) theory of politics

1. Agnes Callard. “Aristotle on the Unity of Action” (2010). [↑](#footnote-ref-1)